IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.BALAKRISHNAN NAIR
&
THE HONOURABLE MR. JUSTICE T.R.RAMACHANDRAN NAIR

TUESDAY, THE 25TH SEPTEMBER 2007 / 3RD ASWINA 1929

WP(C).No. 25732 of 2007(L)

PETITIONER:

NIZAMUDEEN, S/O.EBRAHIMKUTTY AGED 31 YEARS, FATHIMA COLLEGE, NEDUMPANA P.O., KOLLAM DISTRICT.

BY ADV. SRI.C.RAJENDRAN.

RESPONDENTS:
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1. **THE DIRECTOR GENERAL OF POLICE, THIRUVANANTHAPURAM,**
2. **DISTRICT SUPERINTENDENT OF POLICE, KOLLAM DISTRICT, KOLLAM.**
3. **T.REGHUNATHA PILLAI, THE DEPUTY SUPERINTENDENT OF POLICE, KOLLAM.**
4. **SHAJAHAN, S/O.ABDUL MAJEED, KETTIDATHIL VEEDU, KOLLAM.**
5. **JALAL, S/O.ABDUL MAJEED, KETTIDATHIL VEEDU, KOLLAM.**

BY ADV. SRI.R.SATISH KUMAR,
GOVERNMENT PLEADER SRI. SALIM.P.A.

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 25/09/2007,THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

prv.

W.P.(C). NO.25732/2007:

APPENDIX

PETITIONER'S EXHIBIT:

EXT.P.1: COPY OF THE PETITION SUBMITTED BEFORE THE R.1. ON 21/08/2007.

RESPONDENT'S EXHIBIT & ANNEXURE:

EXT.R4.A: COPY OF THE PETITION FILED BY THE R.4. BEFORE THE DY. S.P. KOLLAM.

ANNEXURE R3.A: COPY OF THE COMPLAINT.

//TRUE COPY//

prv.

K.BALAKRISHNAN NAIR & T.R.RAMACHANDRAN NAIR, JJ.

Writ Petition (C) No.25732 of 2007-N

Judgment

Balakrishnan Nair, J.

The petitioner has approached this Court, alleging that the third respondent Deputy Superintendent of Police, Kollam is harassing him. He has filed a petition before the Director General of Police, alleging that respondents 4 and 5 are threatening and harassing him to dissolve his marriage with his wife, who is the sister of the said respondents. They are also claiming reconveyance of certain properties in their favour, which they claim, they have given to the petitioner, at the time of marriage. Based on some complaint filed by the said respondents, the third respondent is summoning him to the police station and threatening him, it is alleged. In the above background, this Writ Petition is filed, seeking the following reliefs :

> "i) to issue a writ of mandamus or any other writ, order or direction, compelling and commanding the 3rd respondent not to harass the petitioner and his wife for transferring his business to respondent Nos.4 and 5 and severing his marital

relationshipwithhiswife.

ii) to issue a writ of mandamus or any other writ, order or direction, compelling and commanding the respondent Nos.1 and 2 to see that petitioner and his wife are not harassed by the third respondent illegally"

2. The fourth respondent has filed a counter affidavit, in which it is submitted that the petitioner is his brother-in-law, who was married to his sister. In connection with the marriage, the petitioner was given gold ornaments, weighing 200 sovereign, Rs.2 lakhs in cash, a new Maruti Zen Car worth Rs.4.5 lakhs, 34 cents of property at Taha Junction worth Rs.6.15 lakhs and also 10 cents of land in Ayathil worth Rs.12.5 lakhs. After his marriage, he sold all the properties and no money is left with him now. He has also contracted two other marriages and now, he is trying to contract a 4th marriage. His sister, who is an innocent young lady, has been made to believe that all of them will go to heaven, if the petitioner contracts the 4th marriage. When the 4th respondent talked about the 4th marriage with his sister, the petitioner's wife, she complained that her brother does not want her and her family go to heaven. Taking advantage of the innocence of his wife, the petitioner has contracted

marriages, one after the other. At the intervention of the Secretary of the Juma Ath, a mediation was held and the petitioner undertook to do certain things to safe-guard the interest of his wife and children. But, he has failed to that. Therefore, the 4th respondent has filed Ext/R4(a) petition before the Deputy Superintendent of Police, based on which, the petitioner was summoned to the police station. The other allegations of the petitioner are denied by the 4th respondent.

3. The third respondent has filed a statement, in which the receipt of Ext.R4(a) is admitted and it is also stated in it that the petitioner is not being harassed, but he tried to hold an enquiry into the allegations contained in that petition. It is also pointed out that the petitioner was summoned to appear before him. He has failed to do that and thereafter, this Writ Petition is filed.

4. We heard the learned counsel on both sides. The third respondent is emphatically submitted that he did not harass the petitioner, but only summoned to appear before him on receipt of Ext.R4(a) petition filed by the 4th respondent. It is also pointed out that the petitioner did not appear. If the petitioner's presence is required for the investigation, the third respondent may issue notice to the petitioner, who shall co-operate with the enquiry, if any held

by the third respondent. Having regard to the facts of the case, we feel that no further orders need be issued in this Writ Petition. Accordingly, it is disposed of with the above direction.

K.BALAKRISHNAN NAIR,JUDGE

25.09.2007 **T.R.RAMACHANDRAN NAIR, JUDGE**

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